

FILE

MEMORANDUM FOR: Chief, RECD

SUBJECT: Acquisition of Space Under Public Buildings Act of 1959 as Amended by Public Law 92-313

REFERENCE: Memorandum for the Director of Logistics dated 4 Dec 1974 from the Deputy Director for Administration.

Public Law 92-313 provides that there is ... "established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited revenues and collections" from "User charges." The Act further provides that the "Moneys deposited into the fund shall be available for real property management and related activities in such amounts as are specified in annual appropriations Acts without regard to fiscal year limitations."

The Federal Property Management Regulations implement PL 92-313 in Subpart 101-21. "Projects for the construction or alteration of public buildings, or for the alteration of leased buildings, for which GSA is responsible will be financed from the Federal Buildings Fund." FPMR 101-21.501

PL 92-313 and the FPMR in 101-19.202 provide that projects shall be equitably distributed throughout the United States with due regard for the comparative urgency of the need for each project as determined by the Administrator of GSA.

Federal agencies identifying a need for construction of a public building are required to provide the necessary information and requirements to GSA within 60 days of the receipt of a request for such information to include: (1) a statement of net space occupied in public buildings by the Federal agency in the community for which the project is intended, and an itemization of area in square feet allocated to each specific agency function (2) a firm statement of entire space and facility requirements (3) detailed information on space requiring special structural or mechanical facilities and such other information as provided in FPMR 101-19.204.

Once the requesting agency has prepared its requirements for the proposed facility they are forwarded to the Director of Planning Staff, Office of Operating Programs, Public Building Service, GSA who acts as the liaison for coordinating the requirements of the requesting agency in drafting the proposal and specifications for the construction project.

The project requirements are then submitted to the Office of Space Planning and Management, Public Building Service. This office approves the project, prepares a prospectus, or statement of the proposed project including its description, location, estimated maximum cost, etc. as outlined in FPMR 101-19.003-5. PL 92-313 requires the preparation of a prospectus where the proposed construction involves an expenditure in excess of \$500,000.

The prospectus is submitted to the Office of Management and Budget for approval in accordance with the provisions of Executive Order 9384. If OMB approves the project, the prospectus is submitted to the Committee on Public Works of the Senate and House of Representatives for approval by resolution as provided in Section 7 of PL 92-313.

Upon approval by the Public Works Committees of the House and Senate, the project is then placed as a line item in the GSA budget for the next fiscal year. As previously noted, the priority of projects is determined by the Administrator of General Services. FPMR 101-19.202

The GSA budget with the assigned priorities for construction is submitted to the Appropriations Committees of the House of Representatives and the Senate for approval and the final enactment as public law by the Senate and House of Representatives.

Projects approved by the Committees on Public Works of the Senate and the House of Representatives for which an appropriation has not been made within one year after the date of approval may be rescinded by either Committee by resolution at any time thereafter before such an appropriation has been made. PL 92-313

Attached is a copy of "Program and Space Requirements" prepared by the U.S. Civil Service Commission for a proposed Federal Executive Institute and Managerial Training Center at Charlottesville, Virginia and a copy of the prospectus prepared for the Chairman, Committee on Public Works of the Senate. Although these attachments concern the construction by the University of Virginia and lease to the Federal Government of the proposed facility, they are representative of the requirements which must be met to obtain the approval of any project under the Public Buildings Act of 1959 as amended by PL 92-313.

There is attached also a copy of PL 92-313, PL 93-381 making the appropriation for the General Services Administration for the fiscal year ending June 30, 1975, and a copy of Executive Order 9384 which are submitted as background information.

Members of the Real Estate Branch, RECD held several informal meetings with GSA personnel including Mr. Jack Gural, Director of Planning Staff, Office of Operating Programs, Mr. Gerald Belt, member of the Planning Staff responsible for prospectuses, and Ms. Hilleary Richards and Mr. James Garrett of the Space Management Division, Office of Operating Programs.

During these meetings it was elicited that a project managed under the Public Building Fund would require an estimated four years for completion consisting of at least a year for the approval process, a year for the building design, and two years for construction. PL 92-313 provides that "No purchase contract shall be entered into under the authority granted under this section after the end of the third fiscal year which begins after the date of enactment of this section." Since no purchase contracts may be granted therefore after June 16, 1975, the time span for project approval eliminates this avenue for obtaining a building under PL 92-313.

The factor of political pressures was adroitly alluded to by GSA spokesman when the question of the assignment of priorities was broached. GSA assigns priority status to the construction projects approved in descending order, and might receive appropriations from Congress on only 5 or 6 out of 100 projects, for example.

GSA personnel said that there were many projects which were not handled through the Public Building Fund. A building under construction at the Atomic Energy Commission complex at Germantown was cited as an example. They thought that with the pressures of competing with all other Government agencies for the construction of buildings under the Public Building Fund, the better approach and one more likely to obtain approval would be through whatever Committees of Congress controlled Agency matters, as had been done by the AEC. If this approach is taken an informal approval is apparently obtained from the House and Senate Committees on Public Works.

The GSA personnel interviewed emphasized that the Federal Building Fund does not provide funds for feasibility studies or for the development of requirements for the construction of a building. When a building project is approved by the Public Works Committees of Congress and funds have been appropriated those funds will include site preparation and A and E expenses.

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3	DD/L		
4	EO/OL		
5	AEO/OL	5 DEC 1974	mf
6	C/RE&C (att: [REDACTED])		Allen 2/2/76
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4 DEC 1974

MEMORANDUM FOR: Director of Logistics

Mike:

1. Will you please have forthwith prepared a paper that I might use at the DCI Winter Conference at [REDACTED] in February which, in general terms, sets forth the pros and cons of our determining to erect a building on the Langley campus designed either for special purpose use or for "people use." The paper does not have to be overly detailed in nature or in length, but it should seize on the major issues and considerations.

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2. In connection with this paper, you might endeavor to make some low profile inquiries of GSA as to the procedures for qualifying under the SLUC concept for funds to actually erect the building.

3. I will be happy to discuss this matter with you in a little more detail if you like. In any event, we should have receipt of the paper no later than 10 January.

[REDACTED]
John F. Blake
Deputy Director
for
Administration

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LET'S DISCUSS

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Tony: Mentioned para. 2. to [REDACTED].
you may wish to follow-up.